

033004  
17157 U.S.

# REQUEST FORM FOR APPLICATION UNDER 37 CFR 1.53(b)

DOCKET NUMBER: **4468-017B**  
 Prior Application: **09/877,202**  
 Art Unit: **2877**  
 Examiner: **TU T. NGUYEN**

22856 US PTO  
10/812014

033004

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

This is a Request for filing a Divisional application under 37 CFR 1.53(b) of pending prior U.S. Patent Application No.09/877,202, filed on June 11, 2001, entitled **OPTICAL CHARACTERISTICS MEASURING APPARATUS, METHOD AND RECORDING MEDIUM**, by the following named inventor (s) **Eiji KIMURA**.

1.  I hereby state that the enclosed copy of this prior application is a true copy of the above-identified prior application.
2. Oath or Declaration
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))
    - i.  Deletion of inventor(s)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
3.  Incorporation By Reference (useable if Box 2b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
4.  Preliminary Amendment is enclosed.
5.  An Information Disclosure Statement and PTO1449 Form are submitted herewith.
6.  Cancel claims 1, 2, 7, 8, 9, 10, 13, 14, 16, 17, 18, 19, 22, 23, 25, 26, 27, 28.

7a. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Total Claims	12	MINUS 20	0	x \$18 =	\$
Independent Claims	9	MINUS 3	6	x \$86 =	516.00
Basic Application Fee					\$770.00
If multiple dependent claims are presented, add \$290.00					
Total Application Fee					\$1,286.00
Subtract 1/2 if small entity					
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$1,286.00</b>
<input checked="" type="checkbox"/> CREDIT CARD AUTH. FORM <input type="checkbox"/> CHECK <input type="checkbox"/> CHARGED TO DEPOSIT ACCOUNT NO. 07-1337					

7b. [ ] Applicant is entitled to small entity status under 37 CFR 1.9 and 37 CFR 1.27.

8. [ X ] The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. 09/877,202 or credit any overpayment to Deposit Account No. 07-1337.

9. [ X ] Amend the specification by inserting before the first line the sentence:  
--This application is a divisional of U.S. Patent Application No. 09/877,202 filed June 11, 2001--.

10. [ X ] Priority of Application No. P2000-179716 filed on June 15, 2000 in Japan is claimed under 35 USC 119. The certified priority document(s) were filed in Serial No. 09/877,202 on June 11, 2001.

11. [ X ] The prior application is assigned of record to Advantest Corporation, Tokyo, Japan.

12. [ X ] The power of attorney in the prior application is to:

LOWE HAUPTMAN GILMAN & BERNER, LLP  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314

13. [ ] Also enclosed:

14. [ ] A petition, fee and response has been filed to extend the term in the pending prior application until

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

LOWE HAUPTMAN GILMAN & BERNER, LLP  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

Benjamin J. Hauptman  
Registration No. 29,310

Date: March 30, 2004  
USPTO Customer No. 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
BJH:jk